

§ 334.450

(vii) Vessels having specific authority from the Commanding General, Marine Corps Base, Camp Lejeune, North Carolina, may enter the area.

(f) *Enforcing agency.* The regulations of this section shall be enforced by the Commanding General, Marine Corps Base, Camp Lejeune, North Carolina, or his authorized representatives.

[26 FR 9673, Oct. 13, 1961, as amended at 48 FR 41160, Sept. 14, 1983. Redesignated at 50 FR 42696, Oct. 22, 1985, as amended at 62 FR 17553, Apr. 10, 1997; 66 FR 15799, Mar. 21, 2001]

§ 334.450 Cape Fear River and tributaries at Sunny Point Army Terminal, Brunswick County, NC; restricted area.

(a) *The area.* That portion of Cape Fear River due west of the main ship channel extending from U.S. Coast Guard buoy No. 35 (34°02'03.218" N, 077°56'28.755" W) at the north approach channel to Sunny Point Army Terminal to U.S. Coast Guard buoy No. 27 (33°58'16.12" N, 077°56'59.736" W) at the south approach channel to Sunny Point Army Terminal and all waters of its tributaries therein.

(b) Except in cases of extreme emergency, all persons or vessels of any size or rafts other than those authorized by the Commander, Sunny Point Army Terminal, are prohibited from entering this area without prior permission of the enforcing agency.

(c) The regulations in this section shall be enforced by the Commander, Sunny Point Army Terminal, Southport, North Carolina, and such agencies as he/she may designate.

[75 FR 53198, Aug. 31, 2010]

§ 334.460 Cooper River and tributaries at Charleston, SC.

(a) *The areas:*

(1) That portion of the Cooper River beginning on the west shore at latitude 32°52'37", longitude 79°58'06", thence to latitude 32°52'37", longitude 79°58'03", thence to latitude 32°52'27", longitude 79°58'01", thence to latitude 32°52'06", longitude 79°57'54" at the west channel edge, thence to latitude 32°51'48.5", longitude 79°57'41.5", thence to latitude 32°51'33", longitude 79°57'27", thence to latitude 32°51'19", longitude 79°57'05", thence to latitude 32°51'01", longitude 79°56'07", thence to latitude 32°50'50",

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longitude 79°56'02", thence to latitude 32°50'48", longitude 79°56'07" on the west shore, thence north along the shoreline including the reach of Noisett Creek to the eastern boundary of the Navy Base to the beginning point at the west shore at latitude 32°52'37", longitude 79°58'06".

(2) The reach of Shipyard Creek upstream from a line 300 feet from and parallel to the upstream limit of the Improved Federal Turning Basin.

(3) That portion of the interior Shipyard Creek commencing at latitude 32°49'50", longitude 79°56'10", being a point at the southern tip of the shoreline where the northern shore of Shipyard Creek joins the Cooper River, thence going along the northern shore of Shipyard Creek to the southern portion of the existing restricted area in paragraph (a)(2) of this section; thence along said line being 300 feet from and parallel to the upstream limit of the Improved Federal Turning Basin for a distance of 15 feet, thence to the most northerly point of the Improved Federal Turning Basin, thence along the northeastern edge for the Improved Turning Basin to the northeast edge of the main channel of Shipyard Creek to a point lying in the mouth of Shipyard Creek where it reaches the Cooper River at the northeast edge of the main channel of the Shipyard Creek and longitude 79°56'10", thence to the beginning point at latitude 32°49'50", longitude 79°56'10".

(4) That portion of the Cooper River surrounding Pier Yankee beginning at a point on the west shore of the Cooper River at latitude 32°50'00", longitude 79°56'10.5", thence to latitude 32°50'00", longitude 79°55'55", thence to latitude 32°49'54", longitude 79°55'55", to latitude 32°49'50", longitude 79°56'10", thence north along the shore to the beginning point at the west shore of the Cooper River at latitude 32°50'00", longitude 79°56'10.5".

(5) That portion of the Cooper River beginning on the west channel edge at latitude 32°52'06", longitude 79°57'54", thence to the east shore at latitude 32°52'13", longitude 79°57'30", thence along the eastern shore to latitude 32°51'30", longitude 79°56'15.5", thence to latitude 32°51'01", longitude 79°55'50", thence to latitude 32°50'52", longitude

79°56'03.5", thence to latitude 32°51'01", longitude 79°56'07", thence to latitude 32°51'19", longitude 79°57'05", thence to latitude 32°51'33", longitude 79°57'27", thence to latitude 32°51'48.5", longitude 79°57'41.5", thence to the beginning point at the west channel edge at latitude 32°52'06", longitude 79°57'54".

(6) That portion of the Cooper River beginning on the west shore at latitude 32°50'48", longitude 79°56'07", thence to latitude 32°50'50", longitude 79°56'02", thence to latitude 32°50'32", longitude 79°55'55", thence to latitude 32°50'00", longitude 79°55'55", thence to latitude 32°50'00", longitude 79°56'10.5" on the west shore, thence along the shoreline to the beginning point on the west shore at latitude 32°50'48", longitude 79°56'07".

(7) That portion of Goose Creek beginning at a point on the west shore of Goose Creek at its intersection with the Cooper River at latitude 32°54'32", longitude 79°57'04"; thence proceeding along the western shoreline of Goose Creek for approximately 6.9 miles to its intersection with the Seaboard Coastline Railroad at latitude 32°55'34", longitude 79°59'30"; thence in a northwesterly direction along the Seaboard Coastline Railroad to latitude 32°55'37", longitude 79°59'32"; thence proceeding along the eastern shoreline of Goose Creek in a southeasterly direction to latitude 32°54'33" by 79°56'59" thence back to 32°54'32", longitude 79°57'04".

(8) That portion of the Cooper River, extending from the mouth of Goose Creek, to a point approximately five-hundred (500) yards north of Red Bank Landing, a distance of approximately 4.8 miles, and the tributaries to the Cooper River within the area enclosed by the following arcs and their intersections:

(i) Radius=8255' center of radius, latitude 32°55'45", longitude 79°45'23".

(ii) Radius=3790' center of radius, latitude 32°55'00", longitude 79°55'41".

(iii) Radius=8255' center of radius, latitude 32°55'41", longitude 79°56'15".

(iv) Radius=8255' center of radius, latitude 32°56'09", longitude 79°56'19".

(9) That portion of the Cooper River beginning on the western shoreline at latitude 32°54'37", longitude 79°57'01"; thence proceeding along the western shoreline in a northerly direction for

approximately 4.8 miles to latitude 32°57'32", longitude 79°55'27"; thence in a southerly direction for approximately 100 yards to latitude 32°57'29", longitude 79°55'23", thence in a southwesterly direction, paralleling the shoreline to latitude 32°56'48", longitude 79°55'48"; thence in an easterly direction for approximately 50 yards to latitude 32°56'49", longitude 79°55'46", thence in a southerly direction, paralleling the shoreline, to latitude 32°56'40", longitude 79°55'40"; thence in a westerly direction for approximately 50 yards to latitude 32°56'39", longitude 79°55'42"; thence in a southwesterly direction, paralleling the shoreline, to latitude 32°56'15", longitude 79°56'07"; thence in a southwesterly direction to latitude 32°56'05", longitude 79°56'17"; thence in a westerly direction, for approximately 50 yards to latitude 32°56'05", longitude 79°56'19"; thence in a southerly direction, paralleling the shoreline to latitude 32°55'45", longitude 79°56'19"; thence in a southwesterly direction to latitude 32°55'42", longitude 79°56'13"; thence in a southeasterly direction, parallel the shoreline, to latitude 32°55'18", longitude 79°55'55"; thence in a southwesterly direction to latitude 32°55'16", longitude 79°56'00"; thence in a southwesterly direction paralleling the shoreline to latitude 32°54'35", longitude 79°56'57", thence back to latitude 32°54'37", and longitude 79°57'01".

(10) That portion of the Cooper River beginning at a point near the center of the Cooper River at latitude 32°55'03", longitude 79°55'42"; thence proceeding in an easterly direction to latitude, 32°55'03"; longitude 79°55'35"; thence in a southerly direction to latitude 32°54'52", longitude 79°55'33"; thence in a westerly direction to latitude 32°54'53", longitude 79°55'42"; thence in a northerly direction to latitude 32°55'03", longitude 79°55'42".

(11) That portion of Foster Creek beginning at a point on the southern shoreline of Foster Creek at its intersection with Back River at latitude 32°58'30", longitude 79°56'33"; thence proceeding along the southern shoreline to the terminus of Foster Creek; thence back down its northern shoreline of Foster Creek to latitude 32°58'34", longitude 79°56'34"; thence back to latitude 32°58'30", longitude 79°56'33".

(12) *Danger zone.* That portion of Foster Creek beginning at the point of the southern shoreline of an unnamed tributary of Foster Creek at its intersection with Foster Creek at latitude 32°59'16" N, longitude 79°57'23" W; thence back proceeding along the eastern shoreline to the terminus of the tributary at latitude 32°59'49" N, longitude 79°57'29" W; thence back down the western shoreline of the unnamed tributary to latitude 32°59'15" N, longitude 79°57'26" W. The waters and associated marshes in this danger zone area are subject to impact by rounds and ricochets originating from a small arms range when firing is in progress.

(13) *Danger zone.* Those portions of unnamed tributaries and associated marshes of Back River and Foster Creek that are generally described as lying south of the main shoreline and extending southward to the northern shoreline of Big Island (U.S. Naval Reservation). Specifically, the area beginning at a point on the main shoreline which is the northern shore of an unnamed tributary of Back River at latitude 32°59'19" N, longitude 79°56'52" W, southwesterly to a point on or near the northern shoreline of Big Island at latitude 32°59'11" N, longitude 79°56'59" W; thence northwesterly to a point on the main shoreline, which is the northern shore of an unnamed tributary of Foster Creek, at latitude 32°59'16" N, longitude 79°57'11" W; thence easterly along the main shoreline, which is the northern shore of the unnamed tributaries of Foster Creek and Back River, back to the point of beginning at latitude 32°59'19" N longitude 79°56'52" W. The waters and associated marshes in this danger zone area are subject to impact by rounds and ricochets originating from a small arms range when firing is in progress.

(b) *The regulations:* (1) Unauthorized personnel, vessels and other watercraft shall not enter the restricted areas described in paragraphs (a)(1), (a)(2), and (a)(4) of this section at any time.

(2) Personnel, vessels and other watercraft entering the restricted area described in paragraph (a)(5) of this section, shall proceed at normal speed and under no circumstances anchor, fish, loiter, or photograph until clear of the restricted area.

(3) Personnel, vessels and other watercraft may be restricted from using any or all of the area described in paragraphs (a)(3) and (a)(6) of this section without first obtaining an escort or other approval from Commander, Naval Base, Charleston, when deemed necessary and appropriately noticed by him/her for security purposes or other military operations.

(4) Personnel, vessels and other watercraft, other than those specifically authorized by Commanding Officer, U.S. Naval Weapons Station, Charleston, SC, entering the restricted area described in paragraph (a)(8) of this section shall proceed at normal speed, and under no circumstances anchor, fish, loiter, or photograph in any way until clear of the restricted area.

(5) Personnel, vessels and other watercraft, other than those specifically authorized by Commanding Officer, U.S. Naval Weapons Station, Charleston, SC, entering the areas described in paragraphs (a)(9) and (a)(10) of this section are prohibited from entering within one-hundred (100) yards of the west bank of the Cooper River, in those portions devoid of any vessels or manmade structures. In those areas where vessels or man-made structures are present, the restricted area will be 100 yards from the shoreline or 50 yards beyond those vessels or other man-made structures, whichever is the greater. This includes the area in paragraph (a)(10) of this section.

(6) In the interest of National Security, Commanding Officer, U.S. Naval Weapons Station, Charleston, SC, may at his/her discretion, restrict passage of persons, watercraft and vessels in the areas described in paragraphs (a)(7), (a)(8) and (a)(11) of this section until such time as he/she determines such restriction may be terminated.

(7) All restricted areas and all danger zones and the approaches leading to the danger zones will be marked with suitable warning signs.

(8) The regulations described in paragraphs (b) (1), (2) and (3) of this section shall be enforced by Commander, Naval Base, Charleston, and such agencies as he/she may designate.

(9) The regulations in this section for the danger zones described in paragraphs (a)(12) and (a)(13) of this section

and the regulations described in paragraphs (b) (4), (5) and (6) of this section, shall be enforced by the Commanding Officer, Naval Weapons Station Charleston, SC, and such agencies as he/she may designate.

(10) It is understood that none of the restrictions herein will apply to properly marked Federal vessels performing official duties. It is further understood that Federal employees will not take photographs from within the above described restricted areas.

(11) The unauthorized entering or crossing of the danger zones described in paragraphs (a)(12) and (a)(13) of this section by all persons, watercraft and vessels is prohibited at all times unless specifically authorized by the Commanding Officer of the U.S. Naval Weapons Station Charleston, SC.

[55 FR 3591, Feb. 2, 1990, as amended at 59 FR 2916, Jan. 19, 1994; 61 FR 64997, Dec. 10, 1996; 62 FR 17553, Apr. 10, 1997; 68 FR 57624, Oct. 6, 2003]

§ 334.470 Cooper River and Charleston Harbor, S.C.; restricted areas.

(a) *The restricted areas.* (1) Area No. 1 is that portion of the Cooper River beginning near the westerly shore north of Shipyard Creek at "a" Latitude 32°50'14", Longitude 79°56'11"; thence to "b" Latitude 32°50'14", Longitude 79°55'37"; thence to "c" Latitude 32°49'41", Longitude 79°55'37"; thence to "d" Latitude 32°49'41", Longitude 79°55'52"; thence to "e" Latitude 32°49'47", Longitude 79°56'09"; and thence returning to "a" Latitude 32°50'14", Longitude 79°56'11".

(2) Area No. 2 is that portion of the Cooper River beginning at a point west of Shutes Folly Island at "a" Latitude 32°46'27", Longitude 79°55'31"; thence to "b" Latitude 32°46'39", Longitude 79°55'11"; thence to "c" Latitude 32°46'39", Longitude 79°54'51"; thence to "d" Latitude 32°46'28", Longitude 79°54'47"; thence to "e" Latitude 32°46'17", Longitude 79°54'51"; thence to "f" Latitude 32°46'17", Longitude 79°55'11"; and thence returning to "a" Latitude 32°46'27", Longitude 79°55'31".

(b) *The regulations.* (1) There shall be no introduction of magnetic material or magneto-electric field sources with the area.

(2) No person shall enter or remain in the water within the restricted areas. Ships transiting the areas will proceed without delay and shall not, except as noted below, lie to or anchor within the areas.

(i) Pleasure craft under 50 feet LOA will not normally be affected; however, such craft may be required to stand clear upon notification, in the event they are interfering with range operation.

(ii) Anchored commercial ships will be allowed to swing into the restricted area at the Shutes Folly Island site when the range is not in use. Shutes Folly Island Range usage will be indicated by range house display of the international DELTA signal flag.

(iii) This section shall be enforced by the Commandant, Sixth Naval District, Charleston, South Carolina, and such agencies as he may designate.

[42 FR 38177, July 27, 1977. Redesignated at 50 FR 42696, Oct. 22, 1985, as amended at 62 FR 17553, Apr. 10, 1997]

§ 334.475 Brickyard Creek and tributaries and the Broad River at Beaufort, SC.

(a) *The areas:* (1) That section of the Atlantic Intracoastal Waterway (AIWW), beginning at the confluence of the AIWW and Albergottie Creek, being that point on the west side of the AIWW navigational channel at latitude 32.457226°, longitude 80.687770°, thence continuing in a northerly direction along the western channel edge of the AIWW to latitude 32.458580°, longitude 80.689181°, thence to latitude 32.460413°, longitude 80.689228°, thence to latitude 32.461459°, longitude 80.689418°, thence to latitude 32.464015°, longitude 80.690294°, thence to latitude 32.470255°, longitude 80.690965°, thence to latitude 32.471309°, longitude 80.691196°, thence to latitude 32.475084°, longitude 80.692455°, thence to latitude 32.478161°, longitude 80.691546°, thence to latitude 32.479191°, longitude 80.691486°, thence to latitude 32.481817°, longitude 80.691939°, thence to latitude 32.493001°, longitude 80.689835°, thence to latitude 32.494422°, longitude 80.688296°, thence to latitude 32.49727°, longitude 80.69172° on the east shore of the Marine Corps Air Station (MCAS), at its intersection with the Station's property boundary